

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI‘I

‘ĪLIO‘ULAOKALANI COALITION, a)	Civil No. 04-00502 DAE BMK
Hawai‘i nonprofit corporation; NĀ ‘IMI)	
PONO, a Hawai‘i unincorporated)	DECLARATION OF ISAAC H.
association; and KĪPUKA, a Hawai‘i)	MORIWAKE
unincorporated association,)	
)	
Plaintiffs,)	
)	
v.)	
)	
DONALD H. RUMSFELD, Secretary of)	
Defense; and FRANCIS J. HARVEY,)	
Secretary of the United States)	
Department of the Army,)	
)	
Defendants.)	
)	

DECLARATION OF ISAAC H. MORIWAKE

I, ISAAC H. MORIWAKE, declare:

1. I am an attorney at law, duly licensed to practice before this Court, and am an attorney for plaintiffs ‘Īlio‘ulaokalani Coalition, Nā ‘Imi Pono, and Kīpuka (collectively, the “Hawaiian Groups”).

2. I make this Declaration in support of the Hawaiian Groups’ Ex Parte Motion to Shorten Time for Hearing Motion to File Second Amended Complaint and to Join Necessary Parties (“joinder motion”). This declaration is based on my personal knowledge, and I am competent to testify about the matters contained herein.

3. On October 27, 2006, the United States Court of Appeals for the Ninth Circuit issued an order enjoining defendants the Secretary of Defense and the Secretary of the United States Department of the Army (collectively, “defendants”) from proceeding with activities related to the conversion of the 2nd Brigade to a Stryker Brigade Combat Team in Hawai‘i and remanding the case “to the district court for the purpose of determining the appropriate scope of an interim injunction and entering such injunction pending [defendants’] compliance with the National Environmental Policy Act of 1969 (“NEPA”)”

4. On November 6, 2006, this Court held an initial status conference to set the schedule for injunctive relief proceedings on remand. The Court required the parties to file their briefs by November 14, 2006 and scheduled a hearing on injunctive relief for November 20, 2006.

5. As explained in their joinder motion, the Hawaiian Groups intend to seek, among other claims for injunctive relief, the rescission of two land acquisitions defendants carried out without complying with NEPA. These include the acquisition of: (1) 1,400 acres of land on the island of O‘ahu from the Estate of James Campbell (“Campbell Estate”); and (2) 24,000 acres of land on the island of Hawai‘i from Parker Ranch. As parties to these land transactions, Campbell Estate and Parker Ranch are required by law to be joined as necessary parties with respect to the Hawaiian Groups’ relevant injunctive relief claims.

6. The Hawaiian Groups have brought their joinder motion at the earliest opportunity, the day after the commencement of the remedy phase of this case on remand.

7. Timely resolution of the Hawaiian Groups’ joinder motion is necessary to: (1) allow complete relief to the Hawaiian Groups; (2) permit the Court to consider their injunctive relief claims on the merits; and (3) grant Campbell Estate and Parker Ranch the opportunity to participate in the scheduled injunctive relief proceedings, including the deadline to file briefs on November 14, 2006 and the hearing on injunctive relief on November 20, 2006. For these reasons, the Hawaiian Groups respectfully request an expedited hearing at the earliest possible date.

8. Earlier today, I contacted Barry Weiner, counsel for defendants, to ask if defendants would be willing to stipulate to the joinder of the necessary parties on

an expedited basis, within the parameters of the present schedule. Counsel informed me that defendants were not prepared to stipulate and would oppose the joinder motion. I also contacted counsel for Campbell Estate and Parker Ranch to notify them of the Court's schedule and the Hawaiian Groups' intent to seek their joinder as necessary parties on an expedited basis.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 7, 2006 at Honolulu, Hawai'i.

/s/ Isaac H. Moriwake

Isaac H. Moriwake